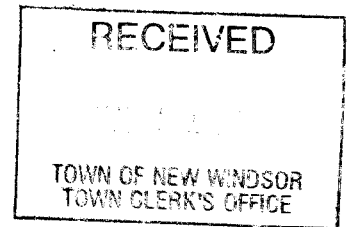




Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD
WEDNESDAY, JULY 23, 2003 — 7:30 PM
TENTATIVE AGENDA



CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: JUNE 11, 2003

REGULAR ITEMS:

1. **BENEDICT POND SENIOR PROJECT (02-30) MT. AIRY ROAD (DI NARDO)**
Proposed Senior Housing.
2. **CORNWALL COMMONS MAJOR SUBDIVISION (00-06) RT. 9W –ADOPT SEQRA FINDINGS**
3. **FIRST COLUMBIA (NEW YORK INTERNATIONAL PLAZA) 02-200 – ACCEPT FEIS**
4. **QUALITY HOMES / GARVEY LL CHG & SUBDIVISION (03-20) RT. 207 (YANOSH)** Proposed 5-lot residential subdivision.
5. **MANGIARACINA SUBDIVISION (03-18) TOLEMAN ROAD (BROWN)**
Proposed 2-lot residential subdivision.
6. **KING OF KINGS LUTHERAN CHURCH (03-21) UNION AVENUE (PASTOR TENNERMANN)** Proposed classroom and worship area addition.
7. **MIDDLE EARTH DEVELOPMENT (03-22) STATION ROAD (MJS ENGINEERING)** Proposed 27-lot residential subdivision.
8. **SHADOW FAX RUN SUBDIVISION (03-23) JACKSON AVE. (MJS ENGINEERING)**
Proposed 22-lot residential subdivision.

DISCUSSION

9. **MONACO, CARMEN – WALSH ROAD APARTMENTS**

CORRESPONDENCE:

10. **MOORES HILL ESTATES SUBDIVISION – Request for 6 month extension of Preliminary Approval and SEQRA**

ADJOURNMENT

(NEXT MEETING – AUGUST 27, 2003)

July 23, 2003

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 23, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER (ARRIVING LATE)
JERRY ARGENIO
ERIC MASON
NEIL SCHLESINGER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN
THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call the July 23, 2003 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: We have a couple members missing tonight

but we have our two alternates sitting in, we need three to have a quorum, we have four members here. So we'll proceed.

APPROVAL OF MINUTES DATED: JUNE 11, 2003

MR. PETRO: Approval of the minutes dated June 11, 2003.

MR. ARGENIO: Make a motion that we approve them as written.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the minutes dated June 11, 2003 as written. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REGULAR ITEMS:

BENEDICT POND SENIOR PROJECT (02-30)

MR. PETRO: Benedict Pond Senior Project.

Robert DiNardo, Esq. appeared before the board for this proposal.

MR. DINARDO: If you wouldn't mind, could you pass us and come back, apparently, our engineer doesn't know how prompt you are with your meeting. He's on his way.

MR. PETRO: We can put you back on in four weeks.

MR. DINARDO: I'll tell him that. If you'd just go to number 2, I'm sure he'll be here shortly.

CORNWALL COMMONS MAJOR SUBDIVISION (00-06)

MR. PETRO: Cornwall Commons major subdivision, SEQRA findings. Mark, you want to just walk us through this please?

MR. EDSALL: As the board has been discussing the Cornwall Commons project, you held and closed a public hearing and there were some issues that were discussed both at the last meeting and meetings previous as to this board's specific concerns with regard to the project which you wanted documented in your findings. Attached to my comments you'll see a notice and resolution that's meant to work in conjunction with the findings of the Town of Cornwall Planning Board but on page 2, it lists some of the specific concerns that this board had identified and I will just quickly go over those. The fact that number 1, the traffic is such that the northerly access to the project is the main access for the New Windsor subdivision and the Highway Superintendent and Town Supervisor felt that that road should be a New Windsor town road, thereby making it possible for the Town to have the full ability to provide maintenance and snow removal up to the New Windsor lots. That's list as item 1A. 1B, is a comment, effectively it says that because of the traffic circulation, this board feels it's necessary that the loop road be constructed in its entirety before the buildings on the New Windsor side, the residences receive Certificates of Occupancy. So that would require both Cornwall and New Windsor roads to be completed. 1C is noting that for part of the traffic movements to access the site, it's necessary that the improvements at the 218 interchange which allows a U-turn movement at that, it's not a cloverleaf, but at that intersection, that that must be completed. That was discussed with Phil Greely here at the last meeting so that's included as item 1C. And comment 2 II just an acknowledgement that the Town of New Windsor has a requirement that a storm water drainage district must be formed to cover those improvements that require maintenance and that district would include all those

properties within the Town of New Windsor that are benefited by the storm water improvements. Those are the only additions beyond the conclusions reached with the Town of Cornwall Planning Board that this board participated in. So it's my recommendation that the board adopt this resolution and findings statement.

MR. PETRO: Okay, any comment from any of the members?

MR. ARGENIO: I think we discussed all three of those issues at length at the last meeting, if my memory serves me.

MR. EDSALL: One or two of them I had already and you folks had me add the additional items.

MR. ARGENIO: I recall that as well. I don't have anything.

MR. MASON: So they're not going to be putting in the stop light or the turn signal, Mark?

MR. EDSALL: They eventually are looking to have for the southerly access to Route 9W a full movement intersection and there's an effort being made to have that intersection meet warrants or find a way but obviously, we don't have the ability to make that determination as DOT.

MR. PETRO: Accept a motion to accept the resolution of findings which is attached here.

MR. ARGENIO: I'll make that motion.

MR. SCHLESINGER: Second it.

MR. PETRO: For the Cornwall Commons major subdivision, motion has been made and seconded that the New Windsor Planning Board accept the proposed resolution and findings in connection with the SEQRA process for the Cornwall Commons Land Development and major subdivision on New York State Route 9W. Any further comment from

July 23, 2003

6

any of the members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

BENEDICT POND SENIOR PROJECT (02-30)

Robert DiNardo, Esq., Mr. Tony Danza and Mr. Al Zepponi appeared before the board for this proposal.

MR. PETRO: Benedict Pond, we're going back to number 1, Benedict Pond Senior Project on Mt. Airy Road. Application involves development of 52.5 acre parcel into 120 unit age restricted multi-family development. The plan was previously reviewed at the 9 October 2002, 14 May 2003 planning board meetings. R-3 zone, special permit use in all zones per the Town Code. We had a little discussion at the last meeting about some of the lines that you had drawn on the plans called lot lines, I guess, so I'm sure you're here to tell us what you did about that. Is that correct?

MR. DINARDO: Yes, thank you. Real quick, you remember the evolution of the plan was it really basically has been from individual lot lines to condominiums on private road so that the concept is townhouse, condominium, private road, site plan, no subdivision. The issue the Chairman raised at the last meeting was whether or not since we had to create phase lines to correspond to the phases of construction which are synonymous with condominiums so there would be four separate condominiums that those phase lines effectively create a subdivision and then invoke all of the bulk requirements. I didn't think so as I researched it, I was satisfied that wasn't so and I took the opportunity to discuss it with counsel for the Town and Phil was of the same opinion that these phase lines are only there for construction and ownership purposes, but they don't really trigger the subdivision requirements in definitions of the Town Code. But we do show the phase lines. What I'd like to do is have Al Zepponi, the engineer, give you a more technical orientation conceptually and answer any questions that you have. Do you want to start with this or--

MR. PETRO: I don't want to spend too much time and I'll tell you why, because we're basically here to see

if we can understand you removed the other lines, we don't have any comment from Mark at all cause it hasn't been reviewed in the technical aspect so not too much sense in going over anything until you go to the workshop so I'd rather stick with instead of a presentation of the development of the property as far as you're going to the Attorney General with the entire project, how you're going to handle all this.

MR. DINARDO: What we anticipate is an approval, a preliminary approval on everything and then we would proceed with final approval in phases. We would present the offering plan application to the Attorney General's office in phases, so Phase 1 is Condominium 1 and each phase is designed to be self-sufficient planning on the worst case basis, what if it never goes beyond that, is it self-sufficient.

MR. PETRO: How about bonding?

MR. DINARDO: Well, the improvements are, all the improvements are private, we will not be in a position to convey units without Certificates of Occupancy. We have to cover inspection fees but I had not since the improvements aren't public, Al, stop me when I have that wrong, we had not anticipated bonding, we did anticipate inspection fees and posting those but--

MR. PETRO: Well, you're showing a connect road also now if you do Condominium 1, you're obviously not building all the roads in Number 2, therefore, you're not going to have access to the other road which I see is Mt. Airy Road on the other side.

MR. EDSALL: Al, could you show us what's 1, 2 and 3 again?

MR. ZEPPONI: Phase 2 is here and Phase 3 is here, this is Dean Hill for orientation, Mt. Airy and 94. In preliminary discussions, the thoughts were that there have to be clearing through here and utilities have to be put in which are going to connect the water line

from Dean Hill down through the end and down through here, I'm sorry, through here to Riley Road, so this would all be cleared and water line would be put in. But the roads themselves will be limited to what's within each phase, there'd be a temporary cul-de-sac in the area of future parking and within each phase there's enough parking both for visitors.

MR. PETRO: So you have one way in one way out until you build the second phase?

MR. ZEPPONI: At least until, it's intended--

MR. PETRO: Why can't you connect down here?

MR. ZEPPONI: This is the church property, we have an emergency easement with you, it's not intended to be a thoroughfare.

MR. PETRO: That would be obviously going to be paved to that point so it would be in place at least.

MR. ZEPPONI: Yes, it would be in place and there'd be a break-away barrier or removable barrier, whatever the emergency people would desire, but it certainly is part of Phase 1 that would be here, the easement is in place through the parking lot as a legal document and certainly this break-away.

MR. PETRO: Make sure that all happens with Phase 1 so you have another way out.

MR. ZEPPONI: And Phase 1 line is here so absolutely.

MR. SCHLESINGER: Are we going to have a problem like we did with the other thing with the crash gate, does that have to be reviewed?

MR. PETRO: No. The other one went through a development, this is just emptying out onto what's the bottom road again?

MR. ZEPPONI: This is 94, this is Reilly.

MR. SCHLESINGER: So there's no direct access from 94?

MR. DINARDO: No.

MR. ZEPPONI: No direct access to Dean Hill and Mt. Airy.

MR. SCHLESINGER: Mark, no problem getting the C.O. if the roads in its entirety are not completed?

MR. EDSALL: As long as the roads are done up to the units being served which we'll check, he's okay. A couple questions that Mike and I just raised as you're making the presentation, why don't you reverse Phases 2 and 3 so your second access occurs in Phase 2. Is there a reason why you're not?

MR. ZEPPONI: Well, the original intent was to finish this phase out views to create this side of the project but beyond the business decision which is made internally, we can.

MR. DANZA: We can do that, what we did with Phase 1 if we included all the amenities, Phase 2 was easy enough since we're running through here for the sewer and water, we would hit Phase 2. If you would prefer me to flip them, it's not a problem and that will give you access.

MR. EDSALL: Just gives you access quicker.

MR. DANZA: But if you'd prefer that, next plan we'll switch it.

MR. EDSALL: The other one which is just something procedurally we're going to have to come up with there's site plans, there's no preliminary approval, so once the board endorses the plan and says fine, move forward, we may have to look at a way of giving final approval by phase, but I really don't want to end up

with three applications, just gets very messy, so we'll have to work that out with Myra.

MR. DINARDO: We'd only ask for conditional final on all three phases and final on phasing in time.

MR. EDSALL: You can get three approval resolutions all conditional then just the only problem with doing that, Bob, is that you may find that if your timing isn't good, New Windsor has a Sunset provision where 360 days after you have conditional final it expires. So you may not want to ask for all of them up front but we'll work something out. Bottom line is we'll treat it as one project, if you need to get phased approval, we'll do that.

MR. PETRO: Final on conditional, the second one conditional and then I think if you acquire a building permit, that's good for a year too.

MR. BABCOCK: Eighteen months. It's the bonding and phasing that's got to work out.

MR. DINARDO: Frankly, if you express conceptual approval with the overall plan, we can just come in a phase at a time for final, you're right, I forgot, unlike subdivision, you don't have preliminary on site plan and there's no real need once you've expressed conceptual approval with all of it for us to have final and other than each phase as we're ready.

MR. EDSALL: It's not like the difficulty of having to file a plan with the County so it's not like we have to file record plans.

MR. PETRO: He's not doing a final on the entire project because he doesn't want to bond the entire project.

MR. EDSALL: Plus depending on the market you don't want to get into a situation where an approval is going to expire so we've done it that way in the past on

phased condos so we'll just work with him, but I would like the whole thing to be designed all at once so we have one integral plan rather than splitting it up.

MR. DINARDO: And once the first phase is underway, it really defines the rest of the project.

MR. PETRO: Anything else?

MR. DINARDO: No. What we were hoping, I mean, get your big comments which I think we have, we thought we were at a sufficient level of detail to ask the board to authorize a hearing, I think lead agency is resolved.

MR. PETRO: Yeah, 30 days has expired. Entertain a motion for lead agency.

MR. EDSALL: Did we ever get the plans to send out?

MS. MASON: Yes, went out on the 19th.

MR. ARGENIO: Motion that we take lead agency.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Benedict Pond Senior Project. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I think I'd like to see some engineering done on it before we have a public hearing.

MR. EDSALL: Al, where do you stand on, I think the key thing is just grading, sewer and water?

MR. ZEPPONI: That's all done. It's part of the submission and part of what is going up here.

MR. EDSALL: I don't want to, to be honest with you, I don't want to have it against them that I didn't review it. The reason I didn't review it is I wanted to hear if the layout is fine with you. Would it be possible to authorize public hearing with the date to be scheduled once I confirm the plans are complete?

MR. PETRO: Sure.

MR. EDSALL: I didn't review it because I didn't think it was fair until you folks said it was conceptually okay.

MR. DINARDO: If that's fine, we'll just wait direction from the board in terms of when.

MR. PETRO: Okay, authorize a public hearing, motion please.

MR. ARGENIO: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize public hearing for the Benedict Pond at New Windsor site plan. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: That's going to be predicated on Mark

telling us it's ready to go for public hearing.

MR. DINARDO: The only other conceptual item we have if you'd like to see them, fine, if not, fine, also we have some architectural, I don't know if you want to take a look at those now.

MR. PETRO: Yeah, put them up.

MR. DANZA: These are the only elevations we have now but by the time the meeting comes.

MR. PETRO: Color it in for us.

MR. DANZA: Yes, it's basically two building types, all buildings are four units per building and each of the two building types has two different unit types in it, everything is two bedroom, master bedroom on the first floor, second bedroom on the second floor with a den or a loft depending on the unit. So basically 2 four bedroom types, 2 four unit buildings, I'm sorry, I said four bedroom with four units in it, so that's the mix. Each unit has a two car garage. On the site plan, we paid a lot of attention to Mark's suggestions of watching how we dealt with parking. It's really what we consider with our experience the state of the art for active adults senior housing but I will get this blown up in a color rendering. The first floor you have living room, dining room, master bedroom, kitchen, closet space, you go up, there's either a loft, second bedroom upstairs. Only difference is size. Sizes run 1,450 to 2,800 square feet, so ample in size. We paid attention to the detail and the landscaping plan which you'll see. Mark suggested we go out and visit some sites in Town and see how they handled garbage and recycling bins. We laid them on the plans. We have some passive walking paths, couple gazebos, things like that, but I'll bring all that in in color.

MR. ARGENTIO: Mark, I want to make sure that we have a good handle which I don't at this point in time of what's going to be done when what sewer is required for

what phase and how much they're going to do, if the clearing is going to be done, if the road's going to be done, what level of completeness things are going to be at before they go to the next level.

MR. EDSALL: Maybe I'll work with Al on getting a sequencing or phasing plan that just ties in when what elements will be done.

MR. ARGENIO: I think that's important, doesn't have to be broken down to the enth degree but four or five basic categories.

MR. EDSALL: The other thing that we'll hammer home is that once they're done with their plans and the sequencing on the plans they have to give us a bond estimate that will cover what needs to be done under each phase and that defines it.

MR. PETRO: He said something very important earlier which stopped me from saying something more, each phase is going to stand alone, unlike Windsor Crest where a lot of the other phases they had problems with the drainage, everything was put in, there was no bond money, you're going to do each one if you never finish the other two, it's going to stand alone?

MR. ZEPPONI: That's correct.

MR. ARGENIO: Maybe I misunderstood, I understood there's a sewer coming from somewhere else that goes through a phase that you have to have in before you can build another phase.

MR. DANZA: If this is Phase 1, this phase will be totally self-sufficient with water, sewer, drainage, everything, if this phase is never built or this phase is never built, we're going to have to come through here and through here, tie in our water and through here to tie in our sewer, so those roads that Al was referring to they're going to be covered.

MR. ARGENIO: So some of the infrastructure for Phase 1 will go through another phase?

MR. DANZA: Yes.

MR. DINARDO: The infrastructure in phases.

MR. ARGENIO: I misunderstood when you said it the first time.

MR. DANZA: I think this that answers your concern. This phase will be totally self-sufficient.

MR. ARGENIO: The infrastructure for the other two phases subsequent to Phase 1 will spin off of what you did in Phase 1.

MR. ZEPPONI: Exactly, especially the water, we're interconnecting two ends of existing water systems.

MR. PETRO: I only have one more thing to say, I have nine more items so you gentlemen have a good night.

MR. SCHLESINGER: Being that this is a restricted age development, are there any specific codes that are related to the age restrictions, i.e. parking or construction, you know.

MR. DINARDO: Yes, your code has a great deal of them and we have been through them and the plans comply with those regulations. In addition, we'll be adopting a master declaration which we'll run through your professionals before we take them to the Attorney General's office.

(Whereupon, Mr. Lander entered the room.)

MR. PETRO: It will be part of the perspectus anyway.

MR. DINARDO: Make sure you're comfortable before it goes to the Attorney General's office.

MR. EDSALL: Two closing items on this. One of the things that we'll do in addition to looking at this is as being ready for a public hearing, I will review this with Mike just to verify compliance with the senior housing regulations and second item that regulations require a referral to the Town Board, do we have the board's okay to ship it over?

MR. PETRO: Go right there.

MR. EDSALL: We'll send it over with a letter requesting their action.

MR. PETRO: Very good.

MR. EDSALL: Thank you.

FIRST COLUMBIA (NEW YORK INTERNATIONAL PLAZA) (02-200)

Mr. Chris Bette appeared before the board for this proposal.

MR. PETRO: Parcel H subdivision. On April 9, 2003 planning board meeting, the board determined that the DEIS document was complete and acceptable for a public review. Public hearing was held on 14 May 2003. Subsequently, the applicant was asked to prepare an FEIS for the act. The FEIS was subsequently submitted and has been reviewed by various Town representatives, so that's where we're at. What do you have to say, Mr. Bette?

MR. BETTE: Well, I think we've handled the FEIS pretty well, we have just the Town engineer, McGoey had a couple comments that we've worked out with them.

MR. PETRO: I have a letter from Mr. McGoey saying that he did have indeed a couple comments. Please be advised after conversations with John Aggio we both find that the responses are satisfactory and will be acceptable to be included in the FEIS and used as a basis for the statement of findings. It's ready to go. And that's letter dated 22 July 2003. So you're basically saying you're ready, Mark, I know you've done extensive research on it and gone through quite a bit.

MR. EDSALL: You've got two things before you, 1, and I don't know that it's necessary to read the whole resolution, but the resolution accepting as complete the FEIS and that's the first item attached to my comments. So I, in that memorandum, it outlines all the precedents, occurrences that we've gone through as far as public hearings, reviews, when you took what action and it's effectively indicating that the document now in this board's opinion which is supported by all the reviews from all the different department heads and consultants is complete and acceptable. So I would recommend that you adopt first that resolution.

MR. PETRO: The only thing I want to read out of that, Mark, just for the minutes is other involved and interested agencies, in other words, this has gone through all these, it's all been reviewed, Department of Transportation, Poughkeepsie, Department of Environmental Conservation, Main Office, Department of Environmental Conservation, New Paltz, Office of Parks, Recreation and Historic Preservation, Department of the Economic Development, County of Orange agencies, Department of Health, Department of Planning, Town of New Windsor Agencies are Town Board and Zoning Board of Appeals. So I want to say that everybody has certainly had a chance as far as the involved agencies to make comment.

MR. EDSALL: They've all received it and sewer and water superintendents have reviewed it, Dick McGoeys reviewed it, I've reviewed it, you've had Stu Turner's office as a planning consultant review it and obviously, the public at all your prior meetings.

MR. PETRO: Any comments from any of the members? Motion to accept the FEIS as complete for First Columbia.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Parcel H subdivision, motion has been made and seconded that the New Windsor Planning Board accept it as written. Any further comment from any of the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. EDSALL: Second one is authorization for the applicant, myself and Myra to work on getting this notice of completion circulated with copies of the FEIS so that's the second item attached to my comments and if it's acceptable to the board, we'll go ahead and procedurally go ahead with that.

MR. PETRO: Motion to circulate it as Mark just stated.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize circulation of this statement for First Columbia as Mark has stated earlier. Is there any further comments? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MANGIARACINA SUBDIVISION (03-18)

Mr. Jonathan Cella appeared before the board for this proposal.

MR. PETRO: Proposed 2 lot residential subdivision. This application proposes subdivision of 38.2 acre parcel into 2 single family residential lots. The plan was previously reviewed at the 9 July 2003 planning board meeting. R-3 zone, bulk information on the plan has been corrected as previously requested, the bulk tables indicate compliance in all criteria. We have Highway approval on 7/9/2003 and fire on 7/7/2003. The planning board has required that the Town of Blooming Grove, Orange County Planning see the plans, Blooming Grove had no objection, no writing and no response received from the County. We did receive it then for local determination. What does it say? Does not have any major impacts on State and County facilities. Application also is in compliance with the recommendations of the County comprehensive plan 2003, the proposal will disturb Federally designated fresh water wetlands and will require Army Corps of Engineers' review. You're aware of that?

MR. CELLA: Yeah, we're under less than a tenth of an acre.

MR. PETRO: Mark, what do you have to say about that? They're saying that it's impacting the Federal wetlands and needs Army Corps of Engineers' review, that's coming from Orange County Department of Planning.

MR. EDSALL: We asked the same question and we were advised by the applicant that the amount of disturbance has been decreased to an amount that a general permit would be adequate, so maybe they're just not aware of the fact that it's been reduced to below the threshold for a Corps review.

MR. PETRO: It's a 2 lot subdivision, is one house already there?

MR. EDSALL: Yes.

MR. PETRO: One new house on 38 acres?

MR. EDSALL: Yes.

MR. LANDER: What was that, one new house on 38 acres?

MR. ARGENIO: Correct.

MR. LANDER: Lot 2 is a new house, no?

MR. EDSALL: Yes.

MR. ARGENIO: That's correct, Ron, but on lot 1, the home exists already.

MR. LANDER: So lot 2 is 5.58 acres, right?

MR. BABCOCK: Yes.

MR. PETRO: Who's actually done the homework stating that the disturbance is less than required?

MR. CELLA: Well, we calculated the area that we're filling in and you're allowed to fill in--

MR. PETRO: You're the engineer?

MR. CELLA: I work with Charlie Brown.

MR. LANDER: Is that just for the driveway crossing?

MR. CELLA: Yes.

MR. PETRO: Mark, you need to, are you doing that now on the calculator?

MR. EDSALL: I was looking to see what the 750 square foot calculates to as part of an acre and it's like 2 percent.

MR. CELLA: Less than 1/20.

MR. PETRO: Well, I'm about to ask for a motion for declare negative so I want to make sure we're headed in the right direction. Do any of the members have any other comments they want to talk to other than that? We can come back to that. I think it's pretty straightforward, we've looked at this before, we don't have too much left here. Mark, if it's less than the disturbance law there for a general permit, you're getting a general permit?

MR. CELLA: Charlie mentioned that no permit would be required.

MR. EDSALL: No, not a specific permit, but I believe you're covered by the general permit which means you fill out a notice saying you're filling in the 750 square feet, I'm not aware of a problem.

MR. PETRO: Motion for negative dec.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Mangiaracina minor subdivision on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'll entertain a motion for final approval.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mangiaracina minor subdivision on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

KING OF KINGS LUTHERAN CHURCH (03-21)

Pastor Tennermann appeared before the board for this proposal.

MR. PETRO: King of Kings Lutheran Church on Union Avenue. This is proposed classroom and worship area addition. Now, if we deny this, I'm not going to get struck by lightning or any of that kind of stuff, right?

PASTOR TENNERMANN: That won't be our first response anyway.

MR. PETRO: The plan proposes additions to the front and rear of the existing building as well as related site improvements. Property is located in an R-4 zoning district of the Town, use is permitted by right, required bulk information is correct, with the exception of the corrections noted below. So you can get one of Mark's comments sheets later and that will clear up those for next time. Several corrections are necessary, provide the values as noted below. I don't want to go over every one now. Some of them are just simple.

MR. LANDER: What's the total square feet we're adding on here?

PASTOR TENNERMANN: About 4,000.

MR. PETRO: Is it going to be used as a classroom? That's the main reason for the expansion?

PASTOR TENNERMANN: On one end and the other is to increase the worship space, the sanctuary.

MR. ARGENIO: Where is this?

MR. PETRO: Next door.

MR. MASON: How big is the building now, do you know?

PASTOR TENNERMANN: I guess about 6,000, I would say total.

MR. PETRO: Mike, not that this is always a planning board issue but you know I always by bring it up, what about the sprinkler system with this expansion? Are they aware of that and is that something the fire department is going to have to look at?

PASTOR TENNERMANN: I'm aware of it, we talked about it with who is the previous?

MR. PETRO: Bobby Rogers.

PASTOR TENNERMANN: Yeah, I talked to him and we limited the size of the main room under 2000 square feet which would mean you're not required a sprinkler system. It's a different portion of the code that covers churches than other spaces.

MR. PETRO: Just a regular place of assembly that you'd have to take the entire area, I'm just curious, better be sure of that because that's a hefty expense if you have to do that and it may mean the entire building being sprinklered.

MR. CELLA: That's why we cut the size down.

PASTOR TENNERMANN: We re-drew the plans as a result of what they told us.

MR. PETRO: Mike, verify that, check with Mike Babcock and keep in mind as a last resort, you can always go for a relief from the Bureau of Fire Prevention. That's not really a planning board issue but I like to bring it up because people sometimes get surprised. This is going to be serviced by water and sewer, obviously, which you already have. You're not creating any zoning problems, looks like you have plenty in the rear, plenty in the front, this one side over here still not close, Mark, I'm sure you looked at that.

Planning board may wish to assume position of lead agency. I'll take a motion.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take lead agency for the King of Kings Lutheran Church on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: There's a few things we have to go over. We have Fire approval on 7/18/2003, now, again, that's only for site plan, so I don't want to mislead you, that has nothing to do with the building plans. And we have Highway approval on 7/23/2003. I want to get into this other little headache that we have with this and it's not really a headache, it's references I have to go over, I know you've seen, you've had I think you've talked with us about the trailers and you went and saw the Supervisor just to bring the rest of the members up to date, why don't you tell the members, I already know what you plan on doing, in other words, these people come in from around the country, build your church, they're going to be here for six months in a number of trailers.

PASTOR TENNERMANN: It's a group called Mission Builders, a group within the Evangelical Lutheran Church, mostly retired persons, some of whom have contracting experience, others are general volunteers and they come and provide, actually they become a part

of the congregation for the time that they're here, they provide some of the general labor and if they have specific skills that they also assist us in, we're the general contractor on the project and they assist us in getting subs for putting up the building and they come and work as volunteers. So one part of the motivation is to keep the costs down. A second reason is that if their coming requires that we commit a certain number of hours of labor to ourselves from our congregation and so it's a process that in its history has kind of energized congregations and renewed them, so we're choosing to do it for that reason as well, we'd like to do it for that reason as well. A lot of these are retired folks and they come in motor homes or camping trailers, I have pictures of the last time they were here, not here, but in New Paltz, they built a sanctuary in New Paltz.

MR. PETRO: Give it to Ron and we'll pass it around that way.

PASTOR TENNERMANN: And they live on site while they're here for the project.

MR. PETRO: Let me ask you a few specific questions. Will the motor homes be parked on church property only?

PASTOR TENNERMANN: Yes.

MR. PETRO: How many motor homes?

PASTOR TENNERMANN: We've been told to expect 3 to 6, it depends on the size of the project and how many people are available, so we've been told that 6 would be the maximum.

MR. PETRO: Will they be there seven days per week?

PASTOR TENNERMANN: Yes, once they arrive, they don't move usually.

MR. PETRO: They're still on wheels? They're drivable?

They're not set up on block?

PASTOR TENNERMANN: That's right.

MR. PETRO: Approximately, six months?

PASTOR TENNERMANN: Yes.

MR. PETRO: On site where will they be parked?

PASTOR TENNERMANN: We envision the minimum impact putting them on the back part of the parking lot, the furthest from the road where we're extending our parking lot where they would be screened on three sides by trees.

MR. SCHLESINGER: All the units are self-sustained?

PASTOR TENNERMANN: Yes.

MR. SCHLESINGER: As far as waste and dumping and things?

PASTOR TENNERMANN: We would provide a temporary hookup to our sewer and so they would be using our sewer line and they would use water from the building.

MR. MASON: What about electric?

PASTOR TENNERMANN: And electric from the building.

MR. MASON: Neighbors won't have to hear the generators.

PASTOR TENNERMANN: No generators, no.

MR. PETRO: Electric from your church?

PASTOR TENNERMANN: Yes.

MR. PETRO: Water and sewer will be into yours, are you going to go right into a cleanout?

PASTOR TENNERMANN: Yes, our building plan is to run a new sewer line anyway, larger, because we're adding more bathroom facilities. So when we construct this new sewer line, we'll leave a cleanout at the end that we can hook in for for the trailers.

MR. MASON: The classroom portion, is that going to be used on a daily basis or is it--

PASTOR TENNERMANN: It's possible, yeah. Right now, we have a section that's not the part that we would envision having somebody in every day, but we have a pre-school that meets there and they're in the portion in the kind of a large room that's next to the kitchen in the plan.

MR. MASON: That portion is rented out, it's not the church running the program?

PASTOR TENNERMANN: It's separately incorporated but it's a ministry of the church as well.

MR. PETRO: Mark, any site plan issues at all?

MR. EDSALL: No, we worked with them at the workshop, the only issue that's not listed on my comment sheet is that we're trying to work out a permanent easement for the storm water to tie in on the Town's property and conversely, since the Town's concert gazebo encroaches onto this property, we're working out a kind of across easement arrangement just so that there's something on paper to protect.

PASTOR TENNERMANN: There already is kind of a paper record for the gazebo.

MR. EDSALL: So we'll just incorporate this drainage pipe into it, so that's just a separate technicality, but the rest of the site plan we have worked everything out. The only one probably of my comments that's worth mentioning is just the traffic circulation. I only had

the one concern about that, it's 90 degree parking but the dimensions of the spacing is such that it can only be one-way traffic on the loop, but there's no signs on the plan. It would be my suggestion that since you have the room, don't corner yourself with one way because normally, when people see diagonal, they think it's one way. But when you have 90 degree parking, people figure that's fair game, so I'd try to open up the 15 to the 20 and make sure that you have the 20 down this end and you've got your back-out room already so with a couple feet of additional space on these two corridors.

PASTOR TENNERMANN: Can I see where you're saying 20?

MR. EDSALL: If both of these are brought up to 20.

PASTOR TENNERMANN: Can this section be one way and this be two way?

MR. EDSALL: It just doesn't work.

PASTOR TENNERMANN: That's basically what happens. This is two way and this is one way. Everybody goes that way.

MR. EDSALL: It can continue to be one way, but if you size it so that it can function as two way, you don't have to put all the signs up and if a car decides to go in the opposite direction, they've got room.

PASTOR TENNERMANN: So 20 here is essentially where the concern is?

MR. EDSALL: It means that you don't have to worry about one-way traffic anymore.

MR. PETRO: Is that all your comments?

MR. EDSALL: That's the only one.

MR. PETRO: It is a comment and as long as you're

agreeable, I think the plan works fine.

PASTOR TENNERMANN: But you could handle it with signs.

MR. EDSALL: If they wanted to go with one-way signs but that's just a backward way of doing it, it's just, it's counterproductive.

MR. PETRO: Town of New Windsor Town Hall is on one side, we have Central Hudson Gas and Electric on the other and nothing in the rear, so as far as the public hearing is concerned, I think under our discretionary judgment we could waive that. Is there a motion?

MR. ARGENIO: I'll make a motion we waive, I agree.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the King of Kings site plan amendment on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I don't think we're impacting the environment. I'll entertain a motion for negative dec.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the King of Kings. Any further

discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I don't see any reason we can't go forward with this. There's going to be three subject-to's that I have, one I haven't discussed with you yet, number 2 will be the cross-easements need to be signed and implemented and number 3, whatever Mark's comments are on this sheet will have to be done before the plan is signed, namely this traffic flow, couple minor things of that nature. But number 1 which is very important I think to the Town is that the six months that you're telling us that the trailers are going to be there is six months, it's not a year, it's not eight months, it's six months. So I'm going to make that a condition of approval also. If it goes passed six months, you'll be in violation of the site plan which at that point we'd have some power to at least take action.

PASTOR TENNERMANN: Six months have to be contiguous? In other words, could three of them be one here and three next year? Is that a possibility? Like to get a little more time, frankly.

MR. PETRO: Let's see, you're confusing me.

PASTOR TENNERMANN: There's a small possibility we'd build the south part of it in 2004 and the sanctuary part in 2005.

MR. ARGENIO: I don't see anything wrong with that.

MR. PETRO: I'm just trying to come up with some instrument that they don't stay there forever, in other words.

PASTOR TENNERMANN: I have no problem with it being declared temporary and less than a year or I'm okay with six months as long as if it looks like we're going to be done in seven months could we come back in.

MR. PETRO: We can work that out. I'm talking about if it becomes a real problem which I'm sure it won't but we still have to have some form of--

PASTOR TENNERMANN: Some people come from Florida, they don't want to camp up here in the winter.

MR. EDSALL: If it went beyond six months, you'd have to come back and ask for an extension.

MR. PETRO: If they're within a week or so, let's just leave it at six months, I'm sure it will work out, just know that it is six months. We don't want to use the word permission to do it, if it's goes beyond that, we can ask you to come back in, at least explain what's going on.

PASTOR TENNERMANN: Get a letter in writing.

MR. PETRO: You just said it, it's in the minutes and get a copy of the minutes, you'll get this.

MR. BABCOCK: We can type up a short letter for your signature.

MR. PETRO: Any other site plan issues? Motion for final approval.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the King of Kings Church on Union Avenue subject to the trailers being in and out in six months, cross

easements and Mark's other comments being taken care of prior to the plan being signed. And you realize that the plan has to be signed here before you can get a building permit?

PASTOR TENNERMANN: Yes.

MR. PETRO: Okay.

PASTOR TENNERMANN: So procedurally, what does that mean, we take care of these things, bring them in to Myra?

MR. PETRO: Correct, stay right with Myra, she'll finish you right up, then you start seeing Mike, Building Department, you don't have to come here again, you're done.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MIDDLE EARTH DEVELOPMENT (03-22)

Mr. David Clearwater from MJS Engineering appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 96 plus acre parcel into 27 single family lots. The plan was reviewed on a concept basis only. R-1 zone, bulk information shown on the plan is correct for the zone, although minimum livable area and maximum development coverage values must be added. So you can over Mark's comments same as everybody else. It is the design intent that all lots access the site internally. Let's go over that first.

MR. CLEARWATER: Let me just run through the plan. My name is James Clearwater, I'm a land surveyor with MJS Engineering. And this plan as you know is very preliminary and we're here for the board's input regarding the lot layout and the road pattern. There obviously is no proposed houses shown or driveways or soil tests or anything of that nature is shown. The second sheet, the third sheet are road profiles, again, very preliminarily shown so that merely for the purpose to demonstrate that the roads can be built meeting the maximum of 10% on grade. Now, this site is impacted by Federal wetlands and we'll be crossing the wetlands in two places, one spot for each of the roads and the intention is that we not go over the 4,000 square feet that's permitted for a nationwide permit. We're right on the cusp of that 4,000 now and as the plan is developed, we'll refine that to make sure that it doesn't impinge on that. This site is also impacted by the hundred year flood plan which is in the back, it's not shown on this map but we'll add it and it affects only lot 19 which is also impacted by the wetlands. So it will not be disturbed. Beyond that, we're open to whatever the board has to add. There's an existing house out here which would be on lot 27. There are other outbuildings also.

MR. SCHLESINGER: Where is the driveway for lot 27?

MR. CLEARWATER: The existing one?

MR. SCHLESINGER: Yes.

MR. CLEARWATER: Where Road B is now and the lot, the existing house would have access over the new when they're built.

MR. SCHLESINGER: This is on the cusp of the hill.

MR. CLEARWATER: The applicant, Drew Kartiganer, is intending the frontage of the property, frontage from lots 1 through 5 to be left undeveloped to be encumbered with an easement so that that area is not disturbed so that when you're driving down Station Road, you don't, you wouldn't even see this except for the road in the back.

MR. SCHLESINGER: What's the purpose of that?

MR. CLEARWATER: To preserve the look of the area.

MR. ARGENIO: I think that's so you and I don't have to look at a bunch of brand new houses.

MR. PETRO: Why didn't you think of that?

MR. LANDER: So you're not going to build on the first five lots?

MR. CLEARWATER: First 200 feet of depth.

MR. BABCOCK: They're going to build but enter from the back way.

MR. CLEARWATER: They'll have their access off new roads.

MR. EDSALL: He's got adequate frontage to meet the code along station, but he's created a reverse flag so that he's got access internal but it's not a flag lot

cause he's got the frontage on the Station Road portion and it's purely, I asked him what the heck you're doing it for, his comment was that aesthetically, I don't want to disturb the area which is I guess a good thing.

MR. PETRO: Did you take this off another map or you've got a lot of time on your hands? Did you do that?

MR. CLEARWATER: The site is difficult.

MR. PETRO: Did you really do all them?

MR. CLEARWATER: It's aerial. In any case, there are as the application progresses, I'm sure that the lot count will drop because there are some very difficult sites.

MR. SCHLESINGER: Very difficult, I'm sorry?

MR. CLEARWATER: Difficult sites, in other words, because of topo or wetlands or whatever and like I said, as it progresses.

MR. SCHLESINGER: Any initial percolation tests been done or anything?

MR. CLEARWATER: No.

MR. SCHLESINGER: It's going to be well and septic?

MR. CLEARWATER: Well and septic, sure.

MR. PETRO: All right, gentlemen, this is just basically conceptual. Does anybody have any problem with the idea or conceptual idea of this? And I would also like to issue a lead agency coordination letter if I can have that motion.

MR. LANDER: All these lots here conform to the new zoning?

MR. CLEARWATER: Yes.

MR. PETRO: What's the size of the smallest lot?

MR. CLEARWATER: They're all listed on the right-hand side here, smallest one is 80,000 is the smallest required, 82,000 on lot 7, lot 21 is the smallest.

MR. PETRO: That's the net area?

MR. CLEARWATER: That's the gross area.

MR. LANDER: Do you have to take into consideration the wetlands when you do those calculations?

MR. CLEARWATER: Yes, they're shown, the net area is on here next to it.

MR. LANDER: We're still in the ballpark.

MR. CLEARWATER: Right.

MR. PETRO: Need a motion while you're talking anyway

MR. SCHLESINGER: You did this work on behalf of Drew Kartiganer?

MR. CLEARWATER: Yes.

MR. SCHLESINGER: And the land is owned by Gradora (phonetic) or you don't know?

MR. CLEARWATER: It's owned by Clement.

MR. PETRO: Dorothy J. and John Clement.

MR. CLEARWATER: Drew Kartiganer and his company is the contract vendee.

MR. PETRO: Do you have a proxy?

MS. MASON: Yes.

MR. PETRO: Motion please.

MR. ARGENIO: Motion we circulate lead agency coordination letter.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize the issuance of a lead agency coordination letter for Middle Earth Development. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: That's as far as we're going to go tonight, get together with Mark and he can start some of his reviews.

MR. CLEARWATER: Does anybody have any serious problem with the road layout?

MR. PETRO: Not as long as you can get it in at 10%, you have to get together with Mr. Kroll and he had a few comments here, so get together with sight distance, drainage, there's a few things, but you have to go see him anyway so or Mark.

MR. EDSALL: We'll work together then we'll get a set to Henry to review. They didn't want to go ahead and start the design until conceptually the board felt it was reasonable, just a note and SEQRA, we won't send out the letter until you get the sets of plans and stuff in so as soon as that's in, Myra will let me know.

MR. CLEARWATER: We may not be here next month because of the amount of work that we have to do.

MR. EDSALL: Just get us the plans as they currently exist, we can get the lead agency out and get the clock running, just get it out of the way.

MR. CLEARWATER: Fine.

MR. PETRO: The manner in which you're going to make those lots in the front remain as empty lots, why are you cutting them up as lots to start with, why not leave them as one parcel?

MR. EDSALL: You don't want it to go as a single parcel because then it's going to end up being sold. What it is the lot is going to run straight through and there will be a deed restriction, restrictive covenant on the portion along Station Road.

MR. BABCOCK: They're going to build a house.

MR. PETRO: I thought they were leaving them all empty.

MR. CLEARWATER: Each lot will have a house but the front of each lot will be encumbered.

MR. PETRO: I got it now. Very good.

SHADOW FAX RUN SUBDIVISION (03-23)

Mr. James Clearwater of MJS Engineering appeared before the board for this proposal.

MR. PETRO: What is it supposed to be?

MS. MASON: On the application it says Fax.

MR. PETRO: Over here it says Shadow Fox Run.

MR. EDSALL: He always told me Fox so I'm running with Fox.

MR. CLEARWATER: Mr. Kartiganer's on vacation so otherwise he can answer it himself.

MS. MASON: Application says Fax and the check said Fax so Fax it is.

MR. PETRO: This application proposes subdivision of a 78 acre parcel into 22 residential lots. We'll go from there, I think it's very similar to the last one, right, concept only?

MR. CLEARWATER: It's exactly the same as the previous application in its development stage, same applies along the road as far as 200 foot depth easement conservation easement as the previous application. Portion of lot 1, 3, 5.

MR. CLEARWATER: One access onto Jackson Avenue with a little road in the middle, it's 21 lots.

MR. MASON: Whereabouts is this, is this over by a farm?

MR. BABCOCK: Do you know where the big red barn that has all the signs? Up right across the street.

MR. CLEARWATER: Right where Central Hudson has a big overhead easement runs through. It's just south of

Lake Road.

MR. PETRO: There's a little wetland.

MR. CLEARWATER: That's correct, there's a lot of wetlands.

MR. PETRO: I'm trying to be nice.

MR. CLEARWATER: I admit there's a lot of wetlands, all right.

MR. PETRO: Again, let's take a motion, let's not do too much, the layout is the layout, I don't see anything wrong with this. Normally, we like to see more of a looped road but on 21 lots, I don't really see it's a major problem here. You have a small portion of road that's single.

MR. SCHLESINGER: How do you build a house on lot 5, 6 and 7?

MR. CLEARWATER: As in the other application, the topo is difficult.

MR. PETRO: This is only for conceptual layout.

MR. EDSALL: One thing that I'd just like the board's concurrence on Mike and I and it's I guess it's more common sense than anything else, our zoning code subtracts wetlands and easements and obviously they have subtracted out the wetlands but there may be some portion of the last application and this application deed restrictions these covenant areas that are meant for preservation, I don't want to and I think it would be counterproductive because I think the intent is to subtract those encumbrances that exist on the property already, not something that's been added voluntarily to benefit the project, so I just wanted to get that on the record in case they're ever questioned. I think it really seemed to me to be ridiculous.

MR. PETRO: Net it out and say okay, we'll use it all so you're only hurting the people.

MR. BABCOCK: We've done where we've asked for a buffer between commercial and residential so you wouldn't ask them to deduct that out of the lot area, just trying to keep them from using that.

MR. PETRO: I think we all agree.

MR. EDSALL: Thank you.

MR. CLEARWATER: The truth be known, a good portion of the frontage on Jackson Avenue is encumbered by Federal wetlands anyway, the 200 foot buffer at least on lots 5 through 9 is totally encumbered by wetlands so it's rather moot on those lots but it's there nonetheless.

MR. PETRO: Motion for lead agency coordination letter.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve lead agency coordination letter to be sent out to interested agencies for the Shadow Fox Run subdivision on Jackson Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Get together with Mark and you can start the review and again that letter will go out once you're repaid and get the plans to him.

DAN SEARING (01-36)

Mr. Craig Marti appeared before the board for this proposal.

MR. MARTI: Majority of the board's concerns and Mr. Edsall's concerns were addressed, you were basically formulating a list of conditions prior to being stopped by I believe it was legal or engineering recommendation that they comply with the DOT request and not issue any approvals until we received the DOT approval. Those conditions that were being mentioned that night were a paved area with designated handicapped parking to address one of Mr. Edsall's concerns, I believe Mr. Lander requested stockade fence be extended and accessed through a gate rather than stopping short and some discussion that first 100 feet of the driveway area be paved. We have done that in conjunction with the DOT, we have shifted, we originally proposing to utilize the existing drive, pave the existing area, they have requested that we shift it to the center of the 75 foot access strip and that the non-functioning culvert to the south in front of an adjoining property be removed as part of the DOT's conditions, so I believe at this time we have met, I know we have met the DOT requirements, I believe that these plan revisions have met the conditions and requests of the prior board's comments and I believe now we're ready to go forward.

MR. PETRO: We have Fire approval on 5/3/2002 and we have in front of us the DOT approval at this time. Mark did have a couple outstanding comments from the last meeting, what we're simply going to do is we'll do an approval subject to Mark looking over them and once he tells me that I can sign the plan, we'll just do it in reverse, which is not a problem because I think it was very minor in nature. Anybody have a problem? He's been looking to get this done for about two years.

MR. MARTI: This board has been a pleasure to work with, it was the interim getting appropriate questions

answered and then from the DOT.

MR. PETRO: Motion for final approval.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Dan Searing site plan on River Road subject to Mark reviewing the plans, finding them acceptable as per his last comments. Other than that, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION

MONACO, CARMEN

MR. EDSALL: Well, it's a referral from the workshop and from the ZBA, Mr. Monaco is taking the mixed use building on 224 Walsh Road and put in additional apartments so that he could eliminate the commercial uses which were a problem because you had commercial mixed with the apartments and there was some fire issues. So he's taking the approach putting in the apartments. He's proposing no outside improvements, he received his variance from the ZBA allowing him to do it but the ZBA said before your final, you need to go back to the planning board just to make sure they don't have any issues. I've gone over this with the Fire Inspector's office, with Mike, there's nothing that needs to be done outside so we really don't know if there's anything you want to see but he needs to get a nod from you folks.

MR. PETRO: You seem to be very positive, are you going to live in one of these apartments?

MR. EDSALL: No, I do not intend to live there. But Mr. Monaco has been very cooperative.

MR. BABCOCK: Commercial and residential just doesn't mix.

MR. PETRO: That was a major problem years ago.

MR. BABCOCK: Does not fix, fire codes, noise, it's constant problems so he said he wants to get rid of the commercial, which is actually a worse, probably a worse situation for him, put two apartments where the commercial is.

MR. PETRO: We made him take out one of the apartments.

MR. BABCOCK: That's right, he went to the zoning board, he got his variance to do all this and it's just

July 23, 2003

48

a matter of the planning board.

MR. PETRO: Why doesn't the building department and Mark take care of it? Anybody object to that?

CORRESPONDENCE

MOORES HILL ESTATES SUBDIVISION

MR. PETRO: Next item correspondence Moores Hill Estates subdivision, request for 6 month extension of preliminary approval under SEQRA. It's a letter here, I don't need to read it all out. Somebody make a motion for 6 month extension of preliminary approval.

MR. SCHLESINGER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion been made and seconded that the New Windsor Planning Board grant 6 month extension to the Moores Hill Estates subdivision preliminary approval and SEQRA. Any comments from anybody?

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. EDSALL: Let's go back to this SEQRA, as long as the board is in agreement, we have been asked by the applicant as a result of the DEC refusing to process his approvals, we have been asked to adopt this negative declaration form which is the formal form that needs to go to the DEC. I reviewed it and it appears acceptable, so as long as the board's in agreement, I'll have this sent up.

MR. PETRO: Didn't we already adopt negative dec?

MR. EDSALL: They're not accepting the resolution, they want the State form filled out.

MR. PETRO: If we already adopted it and you're going

July 23, 2003

50

over it so just fine, sign it and send it away. Motion to adjourn.

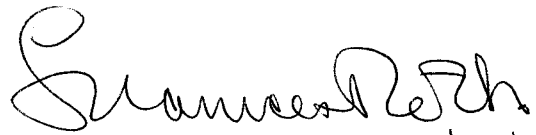
MR. LANDER: So moved.

MR. ARGENIO: Second it.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

7/25/03